

**RESPONSIVENESS SUMMARY
CONCERNING EPA'S AUGUST 30, 2002
PUBLIC NOTICE PROPOSING NUMEROUS TMDLs
FOR WATERS IN THE STATE OF GEORGIA**

Public Participation Activity Conducted:

On August 30, 2002, EPA Region 4 published an abbreviated public notice in the legal advertising section of the Atlanta Journal Constitution. Additionally, Region 4 mailed copies of a detailed public notice to the Georgia Environmental Protection Division (EPD), the Plaintiffs in the Georgia Total Maximum Daily Load (TMDL) lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1-94-cv-2501-MHS), and persons, identified as potentially interested parties, on a mailing list maintained by Region 4. This public notice requested comments from the public on EPA's proposed TMDLs for a significant number of water quality limited segments in the State of Georgia.

Matters on Which Public Was Consulted:

As a result of settlement negotiations in the Georgia TMDL lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1:94-cv-2501-MHS), EPA had the following commitment:

“If Georgia fails to propose for public comment by August 30, 2002, TMDLs for each waterbody identified in Georgia’s 2002 Section 303(d) list, whether such Section 303(d) list is prepared by Georgia or by EPA, and that is located in the Chattahoochee and Flint Basins, then EPA shall propose such TMDLs by August 30, 2002. In the event EPA proposes such TMDLs, EPA will establish TMDLs following public notice and comment within a reasonable time, and, where significant comment is not received, expects to establish TMDLs by February 28, 2003, unless Georgia submits and EPA approves such TMDLs prior to EPA establishing such TMDLs.”

The public was consulted on proposed TMDLs for the water quality limited segments in the Chattahoochee and Flint Basins of the State of Georgia. The proposed TMDLs are identified in the attached list. EPA Region 4 had received and evaluated water quality-related data and information about these waters and pollutants and had prepared documents supporting the preliminary determinations of these evaluations.

Additionally, the public was consulted on proposed **pH** TMDLs for waters in the Chattahoochee Basin. On August 30, 2002, EPA had announced the availability of a proposed **pH** TMDL for the following water quality limited segments and pollutants of concern included on Georgia’s 2002 §303(d) list:

<i>WATERBODY</i>	<i>POLLUTANT OF CONCERN</i>
FLINT RIVER BASIN	
Avera Creek, Headwaters to Flint River (Crawford Co.)	pH
Sweetwater Creek, Headwaters to Flint River, Andersonville (Sumter and Macon Counties)	pH
Two segments of Whitewater Creek, Big Whitewater Creek to Cedar Creek (Taylor and Macon Counties), and Cedar Creek to Flint River, Andersonville	pH

On August 30, 2002, EPA had developed a revised, proposed **pH** TMDL for the aforementioned water quality limited segment in the Flint River Basin. At that time, EPA withdrew the previously proposed TMDL. EPA extended the comment period for an additional thirty days at the request of the public. The public comment period closed on October 30, 2002.

The following persons provided written comments or written request for copies of the proposed TMDLs during the public comment period:

1. John Marlar via e-mail
September 4, 2002 and October 16, 2002
2. Ian Lundberg, et. al. Principal Engineer
Resolve Environmental Engineering, Inc.
1444 Waterford Green Drive,
Marietta, Georgia 30068-2925
October 29, 2002
3. Michele C. Fried, General Counsel
Upper Chattahoochee Riverkeeper
1900 Emery Street, Suite 450
Atlanta, Georgia 30307
October 29, 2003
4. Rita Kilpatrick, Executive Director
Georgians for Clean Energy
427 Moreland Avenue NE, Suite 100
Atlanta, Georgia 30307
October 30, 2002

5. Kesler T. Roberts
Georgia Legal Watch
264 North Jackson Street
Athens, Georgia 30601
October 30, 2002
6. David L. Bullard
Georgia Department of Natural Resources
Environmental Protection Division
4220 International Parkway, Suite 101
Atlanta, Georgia 30354
September 23, 2002
7. Alan Hallum
Georgia Department of Natural Resources
Environmental Protection Division
4220 International Parkway, Suite 101
Atlanta, Georgia 30354
September 23, 2002

Agency's Specific Responses in Terms of Modifications of the Proposed Action or an Explanation for Rejection of Proposals Made by the Public:

The following are the specific **pH** comments and EPA's responses to each of them:

COMMENT

The three pH TMDLs do little other than indicate that there have been pH violations and restate the applicable water quality standards. All three of these TMDLs (Whitewater Creek, Sweetwater Creek, Avera Creek) state that, "the TMDL focuses on identifying pH altering sources in the ...watershed." And "[i]n doing this, the TMDL identifies both point and nonpoint sources. Despite this stated purpose, these TMDLs do very little to identify potential sources.

Kesler T. Roberts, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601, October 30, 2002

RESPONSE

The source assessment sections for Avera Creek, Whitewater Creek, and Sweetwater Creek have been updated to include information on potential sources which may alter instream pH for these waters.

COMMENT

According to the TMDLs, all of the waterbodies addressed are impacted primarily by nonpoint sources, but [p]resently, not information is available to characterize the nonpoint source loads which may impact pH. Unless the TMDL includes some reasonable effort to identify all potential sources and estimate the amount of loading from those sources, it is not legally sufficient and can do little to improve water quality. This is particularly important in these TMDLs since water quality standards were exceeded in 100% of the samples taken for both Whitewater and Sweetwater Creek.

Kesler T. Roberts, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601, October 30, 2002

RESPONSE

The source assessment sections for Avera Creek, Whitewater Creek, and Sweetwater Creek have been updated to include information on potential sources which may alter instream pH for these waters.

COMMENT

The pH TMDLs assign a wasteload allocation of 6 - 8.5 s.u to point sources. EPD generally assigns pH limits of 6 - 9 s.u in NPDES permits unless the 7Q10 of the receiving stream is zero, in which case we give limits equal to the water quality standard of 6.0 - 8.5 s.u. The way the TMDLs are written, it appears that any existing or new point source that discharges to waters named in the pH TMDLs need to have pH limits of 6.0 - 8.5 s.u. All of the pH TMDLs were written for streams whose pH was found to be below Georgia's minimum instream criteria of 6.0. Lowering the upper bound of the pH limit in permits from 9 to 8.5 will in no way help raise the pH of the receiving stream to 6.0 s.u. or greater. Lower the upper pH limit would only make sense if the pH of the receiving stream were above the instream criteria of 8.5. There is no requirement that permittees meet water quality standards at the end of the pipe unless their not doing so will cause or contribute to a violations of instream criteria. EPD requests the TMDLs to be reworded such that permittees can still have upper pH limits of 9.0 s.u.

David L. Bullard, Georgia Department of Natural Resources, Environmental Protection Division, 4220 International Parkway, Suite 101, Atlanta, Georgia, 30354, September 23, 2002.

RESPONSE

The language in the pH TMDL has been changed to indicate that reasonable potential analysis should be performed to determine if the upper pH limit will be 8.5 s.u. or 9.0 s.u.

COMMENT

Sweetwater Creek TMDL - Under “Climate” on page vii, there is a problem with the font in that the degree symbol is being printed as a box.

David L. Bullard, Georgia Department of Natural Resources, Environmental Protection Division, 4220 International Parkway, Suite 101, Atlanta, Georgia, 30354, September 23, 2002.

RESPONSE

The suggested change has been made.

COMMENT

Whitewater Creek TMDL - Page 6 under “Point Sources” - The TMDL states that no point sources currently discharge to impaired segments of Whitewater Creek directly or indirectly. The City of Ideal’s WPCP discharges to Cedar Creek at the confluence of Cedar Creek and Whitewater Creek. Therefore, there is an indirect discharger to the stream and EPA either needs to revise the TMDL to say that there are no direct discharges to Whitewater Creek and not mention indirect dischargers, or the ideal WPCP needs to be named as an indirect discharger. The facility has pH limits of 6.0 - 9.0 s.u., and therefore is not causing or contributing to a violation of the lower boundary of the instream criterion for pH.

David L. Bullard, Georgia Department of Natural Resources, Environmental Protection Division, 4220 International Parkway, Suite 101, Atlanta, Georgia, 30354, September 23, 2002.

RESPONSE

The TMDL has been updated to include the City of Ideal. As stated above, language has been included in the TMDL to indicate that reasonable potential analysis should be performed to determine if the upper pH limit will be 8.5 s.u. or 9.0 s.u.

COMMENT

Avera Creek TMDL - On page 1, The TMDL says that a segment of Avera Creek (Headwaters to Flint River) has been placed on the 303(d) list. Actually, the listed segment is from headwaters to Beaver Creek.

David L. Bullard, Georgia Department of Natural Resources, Environmental Protection Division, 4220 International Parkway, Suite 101, Atlanta, Georgia, 30354, September 23, 2002.

RESPONSE

The suggested change has been made.

